

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL RAY SWANSON,

Plaintiff,

v.

No. 3:18-cv-02148-JR

OPINION AND ORDER

**UNITED STATES; US ATTORNEY
GENERAL; DEPARTMENT OF
VETERANS AFFAIRS; ATSDR; VA
OREGON REGIONAL OFFICE,**

Defendants.

MOSMAN, J.,

On November 6, 2019, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [ECF 36], recommending that I grant Defendants’ Motion for Summary Judgment [ECF 29] and dismiss this case with prejudice. Plaintiff Michael Ray Swanson filed objections to the F&R on December 23, 2019. [ECF 44].

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121

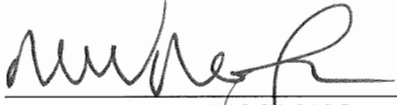
(9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge Russo's reasoning and conclusions. Therefore, I ADOPT the F&R [36] as my own opinion. I GRANT Defendants' Motion for Summary Judgment [29] and DISMISS this case with prejudice. All pending motions are DENIED as moot.

IT IS SO ORDERED.

DATED this 24 day of January, 2020.



MICHAEL W. MOSMAN
United States District Judge